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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,518	10/17/2001	Jean-Marc Wanner	NY-GRYN 204-US	7690
24972	7590	08/17/2005	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/981,518	Applicant(s) WANNER, JEAN-MARC	
	Examiner TUAN A. PHAM	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Applicant's remark, filed on 06/06/2005, with respect to the rejection(s) of claim(s) 1-11 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chang et al. (U.S. Patent No.: 5,838,777).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (U.S. Patent No.: 5,838,777, hereinafter, "Chang").**

**Regarding claims 1 and 10**, Chang teach a telephone comprising (see figure 2, col.2, ln.39-41):

a memorization or indication device for memorizing or indicating data related to incoming and/or outgoing calls on a telephone line (see figure 2, memory 24, LCD 25, col.1, ln.30-36, col.2, ln.47-65); and

a detector for outputting a line state signal (the host telephone go off-hook and display the answered on the LCD 25) of the telephone line to the memorization or indication device (see figure 2, FSK decoder 21, col.2, ln.47-67), and

wherein the memorization or indication device is operable to memorize or indicate the data as a function of the line state signal of the telephone line (the host telephone go off-hook and display the answered on the LCD 25), thereby providing reliable data (read on caller ID) even when calls originate or terminate from or on another telephone on the telephone line (see col.2, ln.47-55).

**Regarding claim 2**, Chang further teaches the telephone wherein the memorization or indication device comprises an unanswered call indicator for indicating when an incoming call is not answered as determined from the line state signal (see col.2, ln.47-55).

**Regarding claim 11**, Chang teach a multiple telephone comprising (see figure 2, col.2, ln.39-41):

at least one telephone comprising a line detector for outputting a line state signal of a telephone line (see figure 2, host telephone, FSK decoder 21, col.2, ln.47-55); and a memorization or indication device for memorizing or indicating data related to incoming and/or outgoing calls on the telephone line (see figure 2, memory 24, LCD 25, col.1, ln.30-36, col.2, ln.47-65);

at least one telephone without the memorization or indication device (extension telephone, col.2, ln.46-55), and

wherein the memorization or indication device is operable to memorize or indicate the data as a function of the line state signal of the telephone line (the host telephone go off-hook and display the answered on the LCD 25), thereby providing reliable data even when calls originate or terminate from or on another telephone on the telephone line (see col.2, ln.47-55).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (U.S. Patent No.: 5,838,777, hereinafter, "Chang") in view of Jensen (6,373,934).**

**Regarding claim 3**, Chang teach a telephone comprising (see figure 2, col.2, ln.39-41):

a memorization or indication device for memorizing or indicating data related to incoming and/or outgoing calls on a telephone line (see figure 2, memory 24, LCD 25, col.1, ln.30-36, col.2, ln.47-65); and

a detector for outputting a line state signal (the host telephone go off-hook and display the answered on the LCD 25) of the telephone line to the memorization or indication device (see figure 2, FSK decoder 21, col.2, ln.47-67), and

wherein the memorization or indication device is operable to memorize or indicate the data as a function of the line state signal of the telephone line (the host telephone go off-hook and display the answered on the LCD 25), thereby providing reliable data (read on caller ID) even when calls originate or terminate from or on another telephone on the telephone line (see col.2, ln.47-55).

It should be noticed that Chang fails to teach the memorization device is operable to memorize communication times of incoming calls by determining time elapsed between two line state changes for each incoming call. However, Jensen teaches such features (see col.4, ln.3-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Jensen into view of Chang for a purpose of monitoring all the incoming and outgoing calls and tracking the time as suggested by Jensen at column 1, lines 12-25.

**Regarding claim 4**, Chang further teaches the telephone wherein the memorization device is operable to memorize received numbers of the incoming calls (see col.2, ln.46-55).

**Regarding claim 5**, Jensen further teaches the telephone wherein the line state of the telephone is either a busy state or a free state (i.e., off-hook or on-hook); and wherein the memorization device is operable to memorize communication times of outgoing calls by determining time elapsed between two line state changes for each incoming call (see col.4, ln.3-25).

**Regarding claim 6**, Chang further teaches the telephone wherein the memorization device is operable to memorize called numbers (see col.2, ln.56-67).

**Regarding claim 7**, Chang further teaches the telephone further comprising a called number detector for detecting numbers dialed on the telephone line, thereby memorizing call numbers dialed from other telephones on the telephone line (see col.2, ln.56-67).

**Regarding claim 8**, Jensen further teaches the telephone wherein the called number tone detector is a DTMF decoder (see figure 1, DTMF decoder 20).

**Regarding claim 9**, Jensen further teaches the telephone further comprising: a processor having a memory; and a device for receiving programming signals over the telephone line, the programming signal being downloaded to the memory of the processor; and wherein the processor is operable to restore the data as a function of the line state of the telephone line (see figure 1, processor 10, memory 80, col.7, ln.1-5, ln.35-55).

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Art Unit 2643  
August 11, 2005  
Examiner

Tuan Pham

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
BIOLOGY CENTER 2600